

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,	)	
	)	
Plaintiff,	)	C.A. No.: 04-1350 (GMS)
	)	
v.	)	
	)	
SYLVIA FOSTER, KATHYRN	)	
SHENEMAN, MICHAEL TALMO,	)	
DIANE STACHOWSKI, HELEN	)	
HANLON, MARGERET WILSON,	)	
MALE NURSE, DONNA LAWRENCE,	)	
GLORIA BANKS, FLORENCE SCOTT	)	
COBB, LANCE SAPERS, DAVE	)	
MOFFITT, R. GRAY, C. OATS, ROSE	)	
ARES, PAT RILEY, DR. OVRESHI,	)	
CURTIS CORNISH, KAREN	)	
CHAMBERLIN, SEGAL J., TANYA	)	
WILSON, J. CONYER, MR. JOHNSON,	)	
JOHN JOE,	)	
	)	
Defendants.	)	

**DEFENDANT DR. SYLVIA FOSTER'S MOTION FOR PROTECTIVE ORDER**

COME NOW, Defendant, Dr. Sylvia Foster, by and through her undersigned counsel and requests a protective order, pursuant to Federal Rule of Civil Procedure 26, and in support thereof, avers the following:

1. Plaintiff, Jimmie Lewis, filed a Motion for Discovery on August 9, 2006. That Motion for Discovery contained 29 separate Interrogatories. Defendant, Dr. Sylvia Foster, responded to that discovery request on September 26, 2006. Attached hereto are true and accurate copies of both the Motion for Discovery and Response thereto (without response attachments) as Exhibit "A".

2. Plaintiff, Jimmie Lewis, has filed "Plaintiff's Motion for Discovery #II" dated 10/10/06 which contains 190 Interrogatories, as well as "Plaintiff's Motion for Discovery #III" dated 10/10/06 which contains 23 Interrogatories. Exhibit "B".

3. Plaintiff has also filed "Plaintiff's Motion to Discovery #IV" dated 10/12/06 with twenty two (22) additional interrogatories. Exhibit "C". Plaintiff has filed "Plaintiff's Motion for Discovery #VI" dated 10/20/06. Exhibit "D".

4. Additionally, Plaintiff has filed a "Motion for Order of Disclosure" dated 10/14/06 with two additional interrogatories. Exhibit "E".

5. District Court Civil Rule 26.1(b)...”but no party shall propound more than 50 interrogatories to any other party. Each subpart shall be counted as a separate interrogatory.” Plaintiff's additional 276 Interrogatories are improper under the applicable Court rules and Defendant, Dr. Sylvia Foster, requests an Order denying Plaintiff's Motion for Discovery #II, #III, #IV and Motion for Order of Disclosure and seeks an order prohibiting the Plaintiff from propounding more than 50 Interrogatories in total.

RESPECTFULLY SUBMITTED,

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Cynthia G. Beam, Esquire

Cynthia G. Beam, Esquire  
Delaware State Bar I.D. No. 2565  
1001 Jefferson Plaza, Suite 202  
Wilmington, DE 19801  
(302) 652-3611  
Attorney for Defendant Dr. Sylvia Foster

Dated: October 26, 2006

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,	)	
Plaintiff,	)	
v.	)	
SYLVIA FOSTER, KATHYRN	)	C.A. No.: 04-1350 (GMS)
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DIANE STACHOWSKI, HELEN	)	
HANLON, MARGERET WILSON,	)	
MALE NURSE, DONNA LAWRENCE,	)	
GLORIA BANKS, FLORENCE SCOTT	)	
COBB, LANCE SAPERS, DAVE	)	
MOFFITT, R. GRAY, C. OATS, ROSE	)	
ARES, PAT RILEY, DR. OVRESHI,	)	
CURTIS CORNISH, KAREN	)	
CHAMBERLIN, SEGAL J., TANYA	)	
WILSON, J. CONYER, MR. JOHNSON,	)	
JOHN JOE,	)	
	)	
Defendants.	)	

**ORDER**

WHEREAS, Defendant, Dr. Sylvia Foster, having requested a Motion for Protective Order pursuant to Federal Rule of Civil Procedure 26; and

WHEREAS, there being good cause shown for the granting of such motion;

IT IS HEREBY ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2006, that Defendant Dr. Sylvia Foster's Motion for Protective Order is granted and Plaintiff is prohibited from propounding more than 21 more Interrogatories in total in this litigation. Defendant, Dr. Sylvia Foster, does not have to respond to Plaintiff's current outstanding discovery requests.

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Gregory M. Sleet  
United States District Judge

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WILSON, J. CONYER, MR. JOHNSON,	)	
JOHN JOE,	)	
	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify on this 27<sup>th</sup> day of October, 2006 that a true and correct copy of Defendant Dr. Sylvia Foster's Motion for Protective Order has been served electronically and/or by first class mail, postage prepaid, to the following:

Jimmie Lewis  
SBI#506622  
1181 Paddock Road  
Delaware Correctional Center  
Smyrna, DE 19977

Gregory E. Smith  
Deputy Attorney General  
820 North French Street, 7<sup>th</sup> Floor  
Carvel State Office Building  
Wilmington, DE 19801

REGER RIZZO KAVULICH & DARNALL LLP

/s/ Cynthia G. Beam, Esquire

Cynthia G. Beam, Esquire  
Delaware State Bar I.D. No. 2565  
1001 Jefferson Plaza, Suite 202  
Wilmington, DE 19801  
(302) 652-3611  
Attorney for Defendant Dr. Sylvia Foster

Dated: October 27, 2006